

Remarks

Applicants respectfully request reconsideration and allowance of the present application in view of the remarks below.

Claims 1-29 are pending, of which claims 1, 13, and 20 are independent claims. Claims 1-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0187415 (Kudo '415).

Applicants have amended claims 1, 13, and 20 to more clearly recite embodiments within the scope of the present invention. Specifically, Applicants have replaced the words "any combination" with "at least one" in claims 1, 13, and 20 to mirror the specific language discussed by the Federal Circuit in SuperGuide Corp. v. DirecTV Enterprises Inc., 69 U.S.P.Q.2d 1865, 1877 (Fed. Cir. 2004). As such, the undergarment recited in the claims must include non-white colors and shapes and designs. See SuperGuide Corp. v. DirecTV Enterprises Inc., 69 U.S.P.Q.2d 1865, 1877 (Fed. Cir. 2004) (holding that the preposition "of" followed by a conjunctive list modifies each member of the list). In addition, the pattern defined on the personal care product must substantially match the undergarment design.

In contrast, Kudo '145 discloses a colored absorbent article that matches the color of an undergarment to be worn (§§ 0002, 0064). Kudo '145 further describes that a disadvantage of the prior art is that "it is difficult to uniformly color cotton spunlaced sheet, and the occurrence of irregular color on sheet surface cannot be avoided" (§ 0011). As a result, Kudo '145 repeatedly teaches the need for a "uniformly colored" absorbent article (§§ 0019, 0029, 0030, 0031). Indeed, uniformity of color is so important to the invention disclosed in Kudo '145, that the specification specifically quantifies the Hue, Value, and Chroma attributes of color using the Munsell color

system and limits the invention described therein to colored absorbent articles having a Munsell value in the range of 5.7 to 9.3 (¶¶ 0022, 0025, 0028, 0029, 0036, 0148).

Therefore, Kudo '145 specifically suggests that the undergarment is a solid color, without any reference to an undergarment also having shapes and designs. As a result, Kudo '145 does not teach the undergarment recited in the claims, and Kudo '145 therefore cannot teach a personal care product having a pattern that substantially matches the undergarment design – e.g., a personal care product having a pattern that substantially matches the non-white colors and shapes and designs included on the undergarment. For at least the preceding reasons, the cited reference does not teach each and every limitation of independent claims 1, 13, and 20, and Applicants respectfully request withdrawal of the 35 U.S.C. Section 103(a) rejections as to claims 1-29.

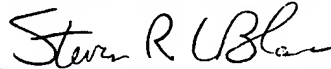
In addition, Applicants respectfully assert that Kudo '145 specifically teaches away from the limitations found in independent claims 1, 13, and 20. “A prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention.” M.P.E.P. ¶ 2141.02. As previously described, the absorbent article described in Kudo '145 is of necessity “uniformly colored.” Therefore, it would not have been obvious to one of ordinary skill in the art to modify the “uniformly colored” absorbent article of Kudo '145 to arrive at the personal care product having a pattern that substantially matches the undergarment design – e.g., a personal care product having a pattern that substantially matches the non-white colors and shapes and designs included on the undergarment. For at least this reason, it would not be obvious to modify the cited reference to arrive at the invention recited in

independent claims 1, 13, and 20, and Applicants respectfully request withdrawal of the 35 U.S.C. Section 103(a) rejections as to claims 1-29.

For at least the reasons discussed above, Applicants respectfully submit that the claims patentably define over the cited reference. As such, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Hand is invited and encouraged to telephone the undersigned at her convenience.

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Respectfully submitted,



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